

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3211/2006
(Kala Vs. State)

Date of order : 4.8.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Shambhoo Singh, for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State. I have also gone through the challan papers.

It is contended by the learned counsel for the applicant that FIR was registered by complainant - Bhura Ram and it is alleged by him in the FIR that it was informed to him by Smt. Jogi that deceased Babu Lal is absconding from last four days from house and no allegations were levelled against the applicant but now in the statements recorded under section 161 Cr.P.C., Smt. Jogi Bai gave statement as eye witness. As per the counsel for the applicant there is no other evidence against the applicant except the statement of Smt. Jogi Bai.

Looking to facts and circumstances of the case, I am not inclined to grant bail to the applicant at this stage. Accordingly, the instant second bail application stands rejected at this stage. However, it is expected from the trial court that the

statements of Smt. Jogi Bai are recorded first. The applicant is free to file fresh bail application after recording of statement of Smt. Jogi Bai.

(GOPAL KRISHAN VYAS), J.

arun